

### **DETAILED ACTION**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given a telephone interview with **Jeffrey D. Hale on March 22, 2010.**

**Claim 30**, line 4, "**selecting the first data transfer mode,**" was changed to -- **selecting the first data transfer mode if a local bus bandwidth is below specified nonzero threshold**--.

### ***Allowable Subject Matter***

2. **Claims 1-9, 20, 22-23 and 30-34** are allowed.
3. **Claims 10-19, 21 and 24-29** have been canceled.
4. The following is an examiner's statement of reasons for allowance: The applicant's amendment filed on 12/18/2009 in conjunction with the remarks have been reviewed by the examiner in view of the prior art of record, and it is agreed that the prior art of (U.S Patent No. 6,658,499 to Day et al., U.S Patent No.6, 021,129 to Martin et al., U.S patent No. 7,215,670 B1 to Karlsson et al. and U.S Patent No. 6,590,865 B1 to Ibaraki et al.) do not teach as in the independent claims 1, 7 and 30, wherein a modem adapted to select a first data transfer mode if a local bus bandwidth is below a specified nonzero threshold even if the second data transfer mode could be used with the local bus bandwidth . Claims

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2-6 are allowed due to their dependency to claim 1. Claims 8-9, 20 and 22-23 are allowed due to their dependency to claim 7. Claims 31-34 are allowed due to their dependency to claim 30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKELAW A. TESHLE whose telephone number is (571)270-5302. The examiner can normally be reached on M-F 8:00am-5:00 Pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2614

/Akelaw A Teshale/  
Examiner, Art Unit 2614